

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

DERRICK LEDELL LEE, #R6758

PETITIONER

VS.

CIVIL ACTION NO. 5:11-cv-34-DCB-JMR

KENNETH REAGANS

RESPONDENT

ORDER

This cause came on this date to be heard upon the Report and Recommendation of the Chief United States Magistrate Judge, after referral of hearing by this Court. The Report and Recommendation finds that the petition for writ of habeas corpus should be dismissed as untimely, based upon the federal one-year limitations period found in 28 U.S.C. § 2244(d). The petitioner has filed a “motion to withdraw,” in which he objects to the dismissal, but does not offer any grounds for tolling the limitations period, nor does he offer any reason why his petition should not be dismissed. The Court, having fully reviewed the Report and Recommendation of the Chief United States Magistrate Judge entered in this cause, and being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of United States Chief Magistrate Judge John M. Roper, and the same is hereby, adopted as the finding of this Court, and the Petition for Writ of Habeas Corpus is dismissed based upon the federal one year

limitations period found in 28 U.S.C. § 2244(d).

IT IS FURTHER ORDERED that the petitioner's "motion to withdraw" [13] is DENIED.

A separate judgment will be entered herein in accordance with the Order as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED, this the 16th day of December, 2011.

s/David Bramlette
UNITED STATES DISTRICT JUDGE